

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Crim. No. 06-0677 (WHW)
	:	
	:	
v.	:	18 U.S.C. §§ 1546(a), 1341, 1001 & 2
	:	
	:	
HUBERT DORCANT	:	<u>SUPERSEDING INDICTMENT</u>

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

COUNTS ONE THROUGH EIGHT
(False Immigration Documents)

THE DEFENDANT AND HIS BUSINESS

1. At all times relevant to this Superseding Indictment, defendant HUBERT DORCANT was the owner and operator of Helping Hands Services (“Helping Hands”), which was located at 642 Eagle Rock Avenue, Suite 5, West Orange, New Jersey (the “Helping Hands Office”).

2. At all times relevant to this Superseding Indictment, Helping Hands was in the business of assisting aliens seeking, among other things, to become legal residents of the United States.

3. At various times relevant to this Superseding Indictment, defendant HUBERT DORCANT:

(a) met with aliens at the Helping Hands Office, and elsewhere, who were seeking legalization or other immigration benefits and programs from the United States Immigration and Naturalization Service and later the United States Department of Homeland Security, Citizenship and Immigration Services (the “Immigration Service”);

(b) prepared false and baseless affidavits, applications and other documents required by the immigration laws and regulations for these aliens, by falsely stating, among other things, that the aliens were eligible for legalization or other programs and benefits provided by the Immigration Service, when the aliens were not, in fact, qualified for such legalization, programs or benefits;

(c) knowingly presented false and baseless documents to the Immigration Service; and

(d) charged aliens a fee for his services.

RELEVANT IMMIGRATION LAW

4. At all times relevant to this Superseding Indictment:

(a) The Immigration Reform and Control Act of 1986 contained, among other things, an amnesty program that provided a means by which undocumented aliens who had resided continuously in the United States from before 1982 through at least 1987 eventually could become lawful permanent residents (the “Amnesty Program”).

(b) The Amnesty Program subsequently was challenged in several class action lawsuits, including: Catholic Social Services, Inc. v. Ridge, Civ. S-86-1343-LKK (E.D. Cal.) (commonly referred to as “CSS”), and Newman v. U.S. Citizenship & Immigration Services, Civ. No. 87-4757-WDK (C.D. Cal.) (commonly referred to as “Newman”).

(c) In response to those lawsuits, on or about December 1, 2000, Congress enacted the Legal Immigration Family Equity Act (the “LIFE Act”), which, pursuant to Section 245A of the Immigration and Nationality Act, allowed certain eligible aliens to apply for an adjustment of status to that of lawful permanent resident in the United States if, among other things, the alien entered the United States before January 1, 1982, and thereafter resided in continuous unlawful

status, except for brief absences, through the date on which the alien applied for legalization.

(d) An alien seeking to obtain legalization or other benefits under the LIFE Act was required to file certain documents with the Immigration Service, certifying to the facts listed in paragraph 4(c) above, including a Form I-485, entitled "Application to Register Permanent Resident or Adjust Status" (the "Form I-485"), or a Form I-687, entitled "Application for Status of Temporary Resident Under Section 245A of the Immigration and Nationality Act" (the "Form I-687").

5. At all times relevant to this Superseding Indictment, certain aliens were permitted to obtain legal status in the United States based upon their employment in the United States. To obtain legal status based upon employment, an alien's prospective or current employer was required to first obtain a Labor Certification from the Department of Labor, by certifying that the alien was ready, willing, qualified and able for a particular job and that employment of the alien would not adversely affect the wages and working conditions of United States workers similarly employed. Employers were then required to file with the Immigration Service, among other things, a Form I-140, entitled "Visa Petition for Prospective Immigrant Employee" (the "Form I-140"), which constituted a request to the Immigration Service that the alien be classified as eligible for employment within a particular employment category.

6. At all times relevant to this Superseding Indictment, certain aliens were permitted to obtain legal status based upon their marital relationship with a United States citizen. The immigration laws provided that, upon the filing of an application for legal status based upon marriage, the alien would be granted conditional residency in the United States. After approximately two years of receiving conditional residency, the alien was permitted to seek to

remove the conditions on his or her residency by filing a Form I-751, entitled "Petition to Remove the Conditions on Residence" (the "Form I-751"), with the Immigration Service. The conditions on the alien's residence were removed (and legal residence granted) if, among other things, the alien demonstrated that he or she entered the marriage in good faith and not for the purpose of evading the immigration laws.

PREPARING AND PRESENTING FALSE DOCUMENTS

Individual #1

7. On various occasions between in or around August 2002 and on or about May 24, 2004, defendant HUBERT DORCANT met at the Helping Hands Office with an individual who was seeking legal residency in the United States (hereinafter, "Individual #1").

8. During those meetings, defendant HUBERT DORCANT and Individual #1 discussed defendant DORCANT's filing of an application for legal residency in the United States with the Immigration Service on behalf of Individual #1. Individual #1 informed defendant DORCANT, in substance and in part, that Individual #1 had entered the United States after January 1, 1982. As a result, as defendant DORCANT well knew, Individual #1 was not eligible for legalization under the LIFE Act. Defendant DORCANT nonetheless instructed Individual #1 to sign certain blank Immigration forms, including a blank Form I-485, and informed Individual #1 that he, defendant DORCANT, would fill in the necessary details and file the requisite documents with the Immigration Service.

9. On or about September 9, 2002, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service on behalf of Individual #1 a false and baseless Form I-485, and supplementing documents, which falsely stated that Individual #1 was eligible for

legalization under the LIFE Act.

10. On or about May 21, 2004, defendant HUBERT DORCANT met with Individual #1 at the Helping Hands Office, and discussed defendant DORCANT's filing of another application for legal residency in the United States with the Immigration Service on behalf of Individual #1. Individual #1 stated to defendant DORCANT, in substance and in part, that Individual #1 came to reside in the United States in 1990. Defendant DORCANT responded, in substance and in part, that, if Individual #1 stated on his application that he began residing in the United States in 1990, his application would not be approved. Defendant DORCANT then instructed Individual #1 to sign certain blank Immigration forms, and stated, in substance and in part, that he, defendant DORCANT, would file papers with the Immigration Service reflecting that Individual #1 came to reside in the United States in 1983.

11. On or about May 25, 2004, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service on behalf of Individual #1 a false and baseless Form I-687, and supplementing documents, which falsely claimed that Individual #1 was eligible for legalization under the LIFE Act by falsely stating, among other things, that Individual #1 had (a) entered the United States before January 1, 1982; (b) last came to the United States on April 17, 1980; and (c) remained in the United States in continuous unlawful status, except for brief absences, from before 1982 until the date Individual #1 applied for legalization.

12. At the request of defendant HUBERT DORCANT, Individual #1 paid defendant DORCANT a total of approximately \$6,400 for his services.

Individual #2

13. On various occasions between in or around November 2001 and in or around June 2002, defendant HUBERT DORCANT met at the Helping Hands Office, and elsewhere, with an individual who was seeking legal residency in the United States (hereinafter, "Individual #2").

14. During those meetings, defendant HUBERT DORCANT and Individual #2 discussed defendant DORCANT's filing of an application for legal residency in the United States with the Immigration Service on behalf of Individual #2. Individual #2 informed defendant DORCANT, in substance and in part, that Individual #2 had entered the United States after January 1, 1982. As a result, as defendant DORCANT well knew, Individual #2 was not eligible for legalization under the LIFE Act. Defendant DORCANT nonetheless instructed Individual #2 to sign certain blank Immigration forms, including a blank Form I-485, and informed Individual #2 that he, defendant DORCANT, would fill in the necessary details and file the requisite documents with the Immigration Service.

15. On or about May 20, 2002, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service on behalf of Individual #2 a false and baseless Form I-485, and supplementing documents, which falsely stated that Individual #2 was eligible for legalization under the LIFE Act.

16. At the request of defendant HUBERT DORCANT, Individual #2 paid defendant DORCANT a total of approximately \$5,000 for his services.

Individual #3

17. On various occasions between in or around January 2003 and in or around July 2004, defendant HUBERT DORCANT met at the Helping Hands Office with an individual who was

seeking legal residency in the United States (hereinafter, "Individual #3").

18. During those meetings, defendant HUBERT DORCANT and Individual #3 discussed defendant DORCANT's filing of an application for legal residency in the United States with the Immigration Service on behalf of Individual #3. Individual #3 informed defendant DORCANT, in substance and in part, that Individual #3 had entered the United States after January 1, 1982. As a result, as defendant DORCANT well knew, Individual #3 was not eligible for legalization under the LIFE Act. Defendant DORCANT nonetheless instructed Individual #3 to sign certain blank Immigration forms, including a blank Form I-485 and a blank Form I-687, and informed Individual #3 that he, defendant DORCANT, would fill in the necessary details and file the requisite documents with the Immigration Service.

19. On or about January 23, 2003, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service on behalf of Individual #3 a false and baseless Form I-485, and supplementing documents, which falsely stated that Individual #3 was eligible for legalization under the LIFE Act.

20. On or about May 29, 2004, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service on behalf of Individual #3 a false and baseless Form I-687, and supplementing documents, which falsely claimed that Individual #3 was eligible for legalization under the LIFE Act by falsely stating, among other things, that Individual #3 had (a) entered the United States before January 1, 1982; (b) last came to the United States on September 16, 1980; and (c) remained in the United States in continuous unlawful status, except for brief absences, from before 1982 until the date he applied for legalization.

21. At the request of defendant HUBERT DORCANT, Individual #3 paid defendant DORCANT a total of approximately \$18,500 for his services.

Individual #4

22. On various occasions between in or around February 2004 and in or around February 2006, defendant HUBERT DORCANT met at the Helping Hands Office with an individual who was seeking legal residency in the United States (hereinafter, "Individual #4").

23. During those meetings, defendant HUBERT DORCANT and Individual #4 discussed defendant DORCANT's filing of an application for legal residency in the United States with the Immigration Service on behalf of Individual #4. Individual #4 informed defendant DORCANT, in substance and in part, that Individual #4 had entered the United States after January 1, 1982. As a result, as defendant DORCANT well knew, Individual #4 was not eligible for legalization under the LIFE Act. Defendant DORCANT nonetheless instructed Individual #4 to sign certain blank Immigration forms, including a blank Form I-687, and informed Individual #4 that he, defendant DORCANT, would fill in the necessary details and file the requisite documents with the Immigration Service.

24. On or about June 22, 2004, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service on behalf of Individual #4 a false and baseless Form I-687, and supplementing documents, which falsely claimed that Individual #4 was eligible for legalization under the LIFE Act by falsely stating, among other things, that Individual #4 had (a) entered the United States before January 1, 1982; and (b) remained in the United States in continuous unlawful status, except for brief absences, from before 1982 until the date he applied for legalization.

25. At the request of defendant HUBERT DORCANT, Individual #4 paid defendant DORCANT a total of approximately \$10,000 for his services.

Individual #5

26. On various occasions between in or around June 2002 and in or around October 2003, defendant HUBERT DORCANT met at the Helping Hands Office with an individual who was seeking legal residency in the United States (hereinafter, "Individual #5").

27. During those meetings, defendant HUBERT DORCANT and Individual #5 discussed defendant DORCANT's filing of an application for legal residency in the United States with the Immigration Service on behalf of Individual #5. Individual #5 informed defendant DORCANT that he was currently employed. At no time during those meetings did Individual #5 and defendant DORCANT discuss the prospect of Individual #5 working for defendant DORCANT personally or at Helping Hands. Defendant DORCANT instructed Individual #5 to sign certain blank Immigration forms, including a blank Form I-140, and informed Individual #5 that he, defendant DORCANT, would fill in the necessary details and file the requisite documents with the Immigration Service.

28. On or about July 11, 2002, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service a false and baseless petition for residency, a Form I-140, for Individual #5, falsely claiming that Individual #5 was to be hired as a full time employee of Helping Hands and was therefore eligible to adjust his status to that of legal permanent resident in the United States. At no time relevant to this Superseding Indictment did defendant DORCANT file the required Labor Certification with the Department of Labor.

29. At the request of defendant HUBERT DORCANT, Individual #5 paid defendant DORCANT a total of approximately \$2,000 for his services.

Individual #6

30. On various occasions between in or around June 2002 and in or around December 2002, defendant HUBERT DORCANT met at the Helping Hands Office, and elsewhere, with an individual who was seeking legal residency in the United States (hereinafter, "Individual #6").

31. During those meetings, defendant HUBERT DORCANT and Individual #6 discussed defendant DORCANT's filing of an application for legal residency in the United States with the Immigration Service on behalf of Individual #6. Individual #6 informed defendant DORCANT, in substance and in part, that Individual #6 had married a United States citizen in bad faith for the purpose of evading the immigration laws. Defendant DORCANT nonetheless instructed Individual #6 to sign certain blank Immigration forms, including a blank Form I-751, and informed Individual #6 that he, defendant DORCANT, would fill in the necessary details and file the requisite documents with the Immigration Service.

32. On or about November 18, 2002, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service a false and baseless Form I-751, a petition to remove the conditions on Individual #6's residence in the United States based upon Individual #6's marriage to a citizen of the United States, falsely certifying to the Immigration Service that Individual #6 had entered into the marriage with the United States citizen in good faith and not for the purpose of evading the Immigration laws.

33. At the request of defendant HUBERT DORCANT, Individual #6 paid defendant DORCANT a total of approximately \$6,000 for his services.

The Charges

34. On or about the dates set forth below, in the District of New Jersey, and elsewhere, defendant

HUBERT DORCANT

knowingly and willfully caused to be made under oath, and, under penalty of perjury under Section 1746 of Title 28, United States Code, to be subscribed as true, false statements with respect to material facts in the following immigration forms and supplementing documents that were required by immigration laws and regulations prescribed thereunder, and knowingly and willfully presented to the Immigration Service such forms and supplementing documents that contained such false statements and failed to contain any reasonable basis in law or fact, knowing that the forms and supplementing documents were false:

<u>COUNT</u>	<u>ON BEHALF OF INDIVIDUAL</u>	<u>APPROXIMATE DATE</u>	<u>SUBJECT MATTER</u>
1	#1	09/09/02	A false and fraudulent Form I-485 and supplementing documents.
2	#1	05/25/04	A false and fraudulent Form I-687 and supplementing documents.
3	#2	05/20/02	A false and fraudulent Form I-485 and supplementing documents.
4	#3	01/23/03	A false and fraudulent Form I-485 and supplementing documents.
5	#3	05/29/04	A false and fraudulent Form I-687 and supplementing documents.
6	#4	06/22/04	A false and fraudulent Form I-687 and supplementing documents.

7	#5	07/11/02	A false and fraudulent Form I-140.
8	#6	11/18/02	A false and fraudulent Form I-751 and supplementing documents.

All in violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNTS NINE THROUGH THIRTEEN
(Mail Fraud)

1. The United States incorporates and realleges paragraphs 1 through 33 of Counts One through Eight as if fully set forth herein.

2. From at least in or around November 2001 through in or around June 2004, in the District of New Jersey, and elsewhere, defendant

HUBERT DORCANT

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud and to obtain money and property from various aliens seeking legal residence in the United States by means of materially false and fraudulent pretenses, representations and promises, as set forth below.

3. It was the object of the scheme and artifice to defraud to obtain money and property from aliens by falsely representing to them that they were eligible for legalization or other benefits and programs from the Immigration Service, when the aliens were not, in fact, eligible for such legalization, benefits and programs.

4. It was part of the scheme and artifice to defraud that defendant HUBERT DORCANT did the following:

(a) falsely represented to aliens that they were eligible for legalization or other benefits and programs from the Immigration Service, knowing that such aliens were not, in fact, eligible for legal status, programs or benefits;

(b) falsely assured aliens that he, defendant DORCANT, would be successful in obtaining legalization or other benefits and programs from the Immigration Service on their behalf;

(c) falsely represented himself to aliens to be an attorney and qualified to represent the aliens before the Immigration Service;

(d) instructed aliens to sign blank Immigration forms and informed aliens that he, defendant DORCANT, would complete those forms on their behalf;

(e) prepared and presented false and fraudulent documents to the Immigration Service on behalf of the aliens, knowing that such documents were false and fraudulent and that the aliens were not eligible for the benefits sought;

(f) mailed false documents from New Jersey to the Immigration Service located in other States via the United States Postal Service; and

(g) charged and accepted excessive fees for his services from aliens.

5. On or about the dates set forth below, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute the scheme and artifice to defraud and for obtaining money and property by means of materially false pretenses, representations and promises, defendant

HUBERT DORCANT

did knowingly and willfully place and cause to be placed in a post office and authorized depository for mail, and cause to be delivered thereon, certain mail matter, to be delivered by the United States Postal Service to the Immigration Service, as described below:

<u>COUNT</u>	<u>ON BEHALF OF INDIVIDUAL</u>	<u>APPROXIMATE DATE</u>	<u>SUBJECT MATTER</u>
9	#1	01/08/03	Mailing from New Jersey to Missouri of supplementing documents in support of false and fraudulent Form I-485.

10	#2	05/24/02	Mailing from New Jersey to Chicago of false and fraudulent Form I-485 and supplementing documents.
11	#3	01/23/03	Mailing from New Jersey to Chicago of false and fraudulent Form I-485 and supplementing documents.
12	#4	06/23/04	Mailing from New Jersey to Chicago of false and fraudulent Form I-687 and supplementing documents.
13	#5	07/12/02	Mailing from New Jersey to Vermont of false and fraudulent Form I-140.

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNTS FOURTEEN THROUGH SIXTEEN
(False Statements)

1. The United States incorporates and realleges paragraphs 1 through 33 of Counts One through Eight as if fully set forth herein.

2. At all times relevant to this Superseding Indictment:

(a) Attorneys and representatives of aliens were required to file appearances in each case in which the attorney or representative appeared before or filed documents with the Immigration Service on behalf of an alien, by filing a Form G-28, entitled "Notice of Entry of Appearance as Attorney or Representative" ("Form G-28"), on behalf of the alien.

(b) Under the immigration laws, only attorneys and other certain qualified persons were permitted to represent aliens or file documents with the Immigration Service on behalf of aliens. The other qualified persons included persons and organizations that had been accredited by the Board of the Immigration Service as religious, charitable, social service or other similar organizations established in the United States.

(c) One of the purposes of permitting only qualified persons and organizations to represent aliens was to prevent aliens from being defrauded by unqualified and unscrupulous persons.

(d) Neither Helping Hands nor defendant HUBERT DORCANT was qualified by the Board of the Immigration Service as an accredited or otherwise authorized representative of aliens.

3. On or about September 9, 2002, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service a false and baseless Form G-28 on behalf of Individual #1, which falsely stated that defendant DORCANT was an "accredited representative of . . . [a]

religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board” of the Immigration Service. At the time defendant DORCANT filed this Form G-28 with the Immigration Service, defendant DORCANT knew that neither he nor Helping Hands was accredited or authorized to represent aliens before the Immigration Service.

4. On or about January 23, 2003, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service a false and baseless Form G-28 on behalf of Individual #3, which falsely stated that defendant DORCANT was an “accredited representative of . . . [a] religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board” of the Immigration Service. At the time defendant DORCANT filed this Form G-28 with the Immigration Service, defendant DORCANT knew that neither he nor Helping Hands was accredited or authorized to represent aliens before the Immigration Service.

5. On or about July 21, 2004, defendant HUBERT DORCANT knowingly prepared and presented to the Immigration Service a false and baseless Form G-28 on behalf of Individual #4, which falsely stated that defendant DORCANT was an “accredited representative of . . . [a] religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board” of the Immigration Service. At the time defendant DORCANT filed this Form G-28 with the Immigration Service, defendant DORCANT knew that neither he nor Helping Hands was accredited or authorized to represent aliens before the Immigration Service.

6. On or about the dates mentioned below, in the District of New Jersey, and elsewhere,
defendant

HUBERT DORCANT

in a matter within the jurisdiction of the Executive Branch of the United States Government,
namely the Immigration Service, did knowingly and willfully make materially false, fictitious
and fraudulent statements and representations as described below, knowing that such
representations were false at the time they were made:

<u>COUNT</u>	<u>ON BEHALF OF INDIVIDUAL</u>	<u>APPROXIMATE DATE</u>	<u>SUBJECT MATTER</u>
14	#1	09/09/02	A false and fraudulent Form G-28.
15	#3	01/23/03	A false and fraudulent Form G-28.
16	#4	07/21/04	A false and fraudulent Form G-28.

All in violation of Title 18, United States Code, Sections 1001 and 2.

A TRUE BILL

FOREPERSON

CHRISTOPHER J. CHRISTIE
United States Attorney